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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,693	03/16/2004	Shinji Ohuchi	KKH.041D2	1770
20/987 7590 06/12/2009 VOLENTINE & WHITT PLLC ONE FREEDOM SQUARE 11951 FREEDOM DRIVE SUITE 1260 RESTON, VA 20190			EXAMINER PIZARRO CRESPO, MARCOS D	
			ART UNIT 2814	PAPER NUMBER
			MAIL DATE 06/12/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action
Before the Filing of an Appeal Brief

Application No.

10/800,693

Applicant(s)

OHUCHI, SHINJI

Examiner

Marcos D. Pizarro

Art Unit

2814

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 May 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Marcos D. Pizarro/
Primary Examiner, Art Unit 2814

Continuation of 11, does NOT place the application in condition for allowance because: applicant's arguments were not found persuasive to overcome the rejection of the claims.

The applicant argues: The examiner acknowledged that the specification provides support for a tape that can be peeled using UV irradiation. One of ordinary skill in the art would understand that this means that the UV irradiation breaks down the adhesive bonds of the hardened synthetic resin, rendering the tape removable by peeling. That is, the UV light affect the tape so that once it is irradiated, the resin breaks down and no longer bonds the tape to the second surface of the semiconductor element. Thus, it should be clear that the peelably removable UV sensitive tape recited in claim 12, which is a hardened synthetic resin, is indeed sensitive to UV light or irradiation. Clearly, if the tape was not sensitive to UV light, the tape would not be removable after being exposed to UV light.

The examiner responds: The examiner agrees with the applicant that the specification supports a protective tape, wherein the tape is a hardened synthetic resin that could be peeled away from the semiconductor element by UV irradiation (see, e.g., pars. 0021 and 0034). The examiner also agrees with the applicant that a hardened synthetic resin whose adhesive bonds break down when irradiated by UV light would be a UV sensitive material. However, such a hardened synthetic resin is not disclosed in the specification. Contrary to applicant's argument above, a tape need not be sensitive to UV light to be removed after exposure to UV light. For example, a hardened synthetic resin tape could be attached to the surface of the second element by an adhesive, wherein the adhesive, and not the tape, is sensitive to UV light. After UV irradiation, the UV sensitive adhesive may be easily released from the semiconductor element along with the tape. As seen in this example, it is the adhesive, and not the hardened synthetic resin tape, which is sensitive to UV light even though both the tape and the adhesive were peeled away after being UV irradiated. The specification only describes that the tape is removed using UV irradiation, not that the tape per se is in any way sensitive to UV irradiation. No further details on removing the tape or on the radiation sensitivity of the tape itself are provided in the specification. There is no description in the specification of a hardened synthetic resin that is sensitive to UV irradiation. Accordingly, the rejection of the claims under 112, first paragraph, is proper.

All other arguments presented by the applicant have been considered and/or addressed in prior Office actions.